



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105-3901

CERTIFIED MAIL NO. P 243 065 488
RETURN RECEIPT REQUESTED

Mr. Youssef Mikhail-Fard
18460 Lemarsh St # 14
Northridge, CA 91324

Re: Order No. 93-22 pursuant to 42 U.S.C. Section 9606

Dear Mikhail-Fard:

The enclosed Administrative Order is issued by the United States Environmental Protection Agency, pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606, to prevent or mitigate immediate and significant risk of harm to human health and the environment at the Mission Plating Company Site. The Order requires you to take immediate actions to contain and prevent the release and potential release of hazardous substances from the Site.

If you have any technical questions regarding the Order, please contact William Lewis (415) 744-2292. If you have legal questions regarding the Order, contact John Lyons at (415) 744-1312.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Zelikson", is written over the typed name.

Jeff Zelikson, Director
Hazardous Waste Management Division

Enclosure

cc: William Jones, M.S.
Chief, Investigation Section
City of Los Angeles

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 REGION IX

3
4 IN THE MATTER OF:) Order No. 93-22
5 Mr. Youssef Mikhail-Fard)
6 DBA\Mission Plating Company) ADMINISTRATIVE ORDER
7 5416 Alhambra Ave) PURSUANT TO SECTION 106
8 Los Angeles, CA 90032) OF THE COMPREHENSIVE
9 Respondent:) ENVIRONMENTAL RESPONSE,
10 Mr. Youssef Mikhail-Fard) COMPENSATION, AND
11) LIABILITY ACT OF 1980
12) as amended, 42 U.S.C.
13) Section 9606(a)
14)

14 PREAMBLE

15 1. This Administrative Order ("Order") is issued on
16 this date to the Respondent, Youssef Mikhail-Fard, pursuant to
17 the authority vested in the President of the United States by
18 Section 106(a) of the Comprehensive Environmental Response,
19 Compensation, and Liability Act of 1980, 42 U.S.C. Section
20 9606(a), as amended by the Superfund Amendments and
21 Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA"), delegated
22 to the Administrator of the United States Environmental
23 Protection Agency ("U.S. EPA") by Executive Order No. 12580,
24 January 23, 1987, 52 Federal Register 2923, further delegated to
25 the EPA Regional Administrators by U.S. EPA Delegation Nos. 14-
26 14-A and 14-14-B, and further redelegated to the Director,
27 Hazardous Waste Management Division by Region IX Delegations
28 1290.41 and 1290.42.

1 2. The State of California has been notified of the
2 issuance of this Order as required by Section 106(a) of CERCLA,
3 42 U.S.C. Section 9606(a).

4 3. This Order requires the Respondent to undertake and
5 complete removal activities to abate an imminent and substantial
6 endangerment to the public health and welfare or the environment
7 that may be presented by the actual or threatened release of
8 hazardous substances.

9 FINDINGS OF FACT

10 Based on available information, including the Administrative
11 Record in this matter, U.S. EPA hereby finds:

12 4. Site Description / Location

13 The Mission Plating Facility is located at 5416 Alhambra
14 Avenue, Los Angeles, California. The Facility was an
15 electroplating operation that was primarily involved in chrome
16 and zinc plating operations. The surrounding area is, in
17 general, zoned for light industrial use.

18 5. Site Characteristics

19 The Site currently covers a 10,000 square foot area and is
20 divided into the following four distinct areas:

21 A) Building No 1 is currently rented to a furniture
22 repair interest. The on-site furniture repair
23 business employs several persons who currently work

1 in the building. This building contains plating chemical
2 stock within a chemical storage room which was abandoned by
3 the Respondent on or before February 1993.

4 B) Building 2 also contains plating materials,
5 chemicals and wastes abandoned by the Respondent on or
6 before February 1993, including facility electroplating
7 and support lines, clarifiers and sumps. The plating
8 lines had been disassembled. Several full vats and
9 drums of plating chemicals or wastes remain scattered
10 throughout the room.

11 C) Building 3 houses the Mission Plating facility
12 wastewater treatment process equipment which was
13 abandoned by the Respondent on or before February 1993.
14 The majority of all facility liquid chemicals or wastes
15 were found in this building.

16 D) The Outside Shipping and Storage Area which
17 contained one roll-off bin and a sludge tray full of
18 wastewater treatment sludge from the Mission Plating
19 Company operations which were abandoned by the
20 Respondent on or before February 1993. This waste has
21 recently been recontainerized and is currently stored
22 in approximately 16 "super sacks" in an un-secured
23 alley open to the public adjacent to the property.

1 E) The plating chemicals and wastes abandoned by Respondent
2 at the facility are not: i) stored in appropriate
3 containers, ii) segregated to prevent the mixture of
4 incompatible chemicals and/or waste, iii) regularly
5 inspected in order to verify the integrity of containers
6 in which the chemicals or waste are stored, and iv) in
7 any way protected by any site security personnel.

8 6. Respondent

9 Mr. Youssef Mikhail-Fard
10 18460 Lemarsh St # 14
11 Northridge, CA 91324

12 7. Incident / Release Characteristics

13 The facility owner/operator, Youssef Mikhail-Fard (as an
14 individual having conducted business using the fictitious
15 business name - the Mission Plating Company), vacated the Mission
16 Plating Facility on or about February 1993. The Respondent
17 operated a plating business under the fictitious business name,
18 the Mission Plating Company, at this location for fourteen years
19 before the facility was abandoned by Respondent on or about
20 February 1993. Respondent's abandonment of the facility followed
21 eviction proceedings which were initiated by the current owner,
22 Nathan Ostrin for failure to pay rents. The eviction proceedings
23 were first completed on July 24, 1992. The Eviction notice was

1 temporarily stayed following Mr. Fard's filing for bankruptcy,
2 and then reinstituted and completed again on October 30, 1992.
3 In vacating the property, Respondent abandoned a considerable
4 quantity of chemicals and wastes containerized plating chemicals
5 stock, plating liquid in vats, plating sludges, and other various
6 chemical or hazardous waste materials.

7 On February 5, 1993, the Los Angeles County Fire Department
8 Health Hazard Materials Division (HHMD) inspected this facility
9 and observed hazardous waste being stored within the facility.
10 HHMD directed Mission Plating Company to provide the Department a
11 written statement within ten days regarding closure procedures as
12 required by California Code of Regulations, §66262.34 (a)(1).
13 Respondent has taken no actions to comply with the HHMD
14 directive.

15 On April 13, 1993, the Los Angeles County Hazardous Waste
16 Control Program (HWCP) issued Mr. Youssef Mikhail-Fard a Notice
17 of Violation and Order to Comply, requiring him to immediately
18 legally dispose of all hazardous waste and contaminated
19 materials. Respondent has taken no actions to comply with the
20 HWCP Order.

21 On June 10, 1993, the Los Angeles County Hazard Materials
22 Division (HHMD) issued Mr. Youssef Mikhail-Fard a Notice of
23 Violation and Order to Comply requiring him to legally dispose of
24 hazardous waste. Respondent did arrange for the removal from the

1 facility of 22 sacks of plating sludge but has not taken any
2 other actions to comply with the HHMD Order.

3 On July 2, 1993, the Los Angeles County Hazard Materials
4 Division (HHMD) inspected the Mission Plating Company facility
5 issued Mr. Youssef Mikhail-Fard a Notice of Violation and Order
6 to Comply requiring him to conduct the following Corrective
7 Actions:

- 8 A) Legally dispose of hazardous waste (HW)
- 9 B) Provide HHMD with completed copies of HW manifests
- 10 C) Transfer HW to containers in good condition
- 11 D) Keep all HW containers closed
- 12 E) Properly label each HW container
- 13 F) Discontinue storage of HW longer than 90 days
- 14 G) Submit a Site Assessment Workplan

15 Respondent has taken no actions to comply with the HHMD Notice of
16 Violation.

17 On June 17, 1993, the Environmental Protection Agency's
18 Technical Assistance Team conducted a preliminary Assessment at
19 the Mission Plating facility. As part of the assessment, EPA
20 collected enforcement samples for chemical analysis to establish
21 an accurate inventory of the hazardous waste stored on Site. See
22 Finding of Fact #8 below.

23 On August 16, 1993, the EPA, having documented the release
24 and threatened release of hazardous substances, pollutants, or
25 contaminants at Mission Plating Company facility located at 5416

1 Alhambra Avenue, Los Angeles California, issued a written notice
2 to Mr. Youssef Mikhail-Fard notifying Respondent that EPA
3 believes that the Respondent is a potentially responsible party
4 under Section 106 and 107(a) of CERCLA, 42 U.S.C. §§ 9606 and
5 9607(a), for all response costs incurred by EPA with respect to
6 the Mission Plating facility. The August 16, 1993, EPA notice
7 letter afforded Mr. Youssef Mikhail-Fard the opportunity to
8 conduct the response activities described in Enclosure A of the
9 EPA notice letter.

10 On August 18, 1993, Mr. Youssef Mikhail-Fard, acknowledging
11 and responding in his capacity as "Owner and Operator of former
12 Mission Plating Company" responded to the EPA Formal Notice by
13 letter and telefax.

14 8. Quantities and Types of Substances Present

15 During the June 17, 1993, EPA Preliminary Assessment at the
16 Mission Plating Facility, EPA's investigators observed
17 approximately 13,200 gallons of hazardous or potentially
18 hazardous waste and approximately 20 cubic yards of sludges and
19 other contaminated debris.

20 Four enforcement samples were collected from the waste
21 streams encountered.

22 A) The first sample (Sample ID: Treat 1) was a composite
23 sample collected from three, 375 gallon tanks in the waste
24 water treatment line. This sample was determined to be a

1 hazardous waste, based on direct comparison to the
2 California TTLC (total) for zinc.

3 B) The second sample (Sample ID: Clar. 2) was a
4 liquid sample collected from a below grade clarifier.
5 Analytical results indicate that this sample had
6 elevated levels for cadmium, nickel and zinc.

7 C) The third sample (Sample ID: Vat 3) was a liquid
8 sample collected from a 700 gallon process vat.
9 Analytical results indicate that this sample had
10 elevated levels for zinc.

11 D) The fourth sample (Sample ID: Sack-4) was
12 collected from a "super sack" containing sludge
13 excavated from a ten-foot deep pit within the facility.
14 This sample was classified as hazardous waste based on
15 comparison to TTLC limits for cadmium and zinc. This
16 sample was also found to be contaminated with
17 approximately 540 ppm of cyanide.

18 9. Threats to Public Health and Welfare

19 The substances of concern are cyanide solids, strong acids and
20 oxidizing acids, and numerous heavy metal salts.

21 A) Cyanides, such as sodium cyanide and copper cyanide
22 in the liquid or solid form and hydrogen cyanide in the
23 gaseous form, are poisons. Exposure to cyanides may be
24 fatal if inhaled, swallowed or absorbed through the
25 skin. Cyanides and strong acids are incompatible

1 materials. Should cyanides come into contact with a
2 strong acid, such as the acids (hydrochloric and
3 chromic acids) also abandoned by the Respondents which
4 are still present at the facility, a release of
5 hydrogen cyanide would occur. Releases of hydrogen
6 cyanide gas would be life-threatening. Mixtures of
7 cyanides and strong oxidizers, such as nitric and
8 hydrochloric acids, present both fire and explosion
9 hazards.

10 B) Acids are corrosive materials which can burn the
11 skin, eyes and respiratory tract upon direct contact or
12 inhalation of vapors. It can cause acute pulmonary
13 edema or chronic pulmonary diseases from inhalation.
14 When heated or reacted with water, it produces toxic
15 and corrosive fumes. Hydrochloric acid is a strong
16 corrosive which can burn the skin, eyes and mucous
17 membranes upon dermal contact. It is also moderately
18 irritating to the respiratory tract when inhaled.
19 Hydrochloric acid produces toxic and corrosive fumes
20 when exposed to water. Chromic acid is corrosive to
21 metals and tissue. It can react with combustible
22 materials and the heat of reaction may be sufficient to
23 result in ignition of the combustible materials. A
24 fire may produce irritating or poisonous gases.

1 C) Chromium is a suspected OSHA human carcinogen.
2 Chronic exposure to chromate dust may cause
3 bronchogenic carcinoma. Chromium is a poison and, when
4 ingested, causes gastrointestinal effects.

5 D) Nickel dust or fume is a respiratory irritant that
6 with chronic exposure may cause nasal or lung cancer in
7 humans. The average latency period for the induction
8 of cancer appears to be 25 years. Acute exposure to
9 nickel fumes or copper dusts can cause upper
10 respiratory tract irritation, metal fume fever, nausea,
11 vomiting and abdominal pains.

12 CONCLUSIONS OF LAW

13 Based on the foregoing Findings, U.S. EPA has concluded
14 that:

15 10. The property located at 5416 Alhambra Avenue, Los
16 Angeles, California at which Respondent conducted plating
17 operations is a "facility" as defined by Section 101(9) of
18 CERCLA, 42 U.S.C. Section 9601(9).

19 11. Mr. Youssef Mikhail-Fard is a "person" as defined
20 by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

21 12. Mr. Youssef Mikhail-Fard was the owner and
22 operator of the Mission Plating Company Site (or a portion
23 thereof) at the time of disposal, or arranged for disposal or
24 transport for disposal of hazardous substances at the Site.

1 13. The Respondent is therefore a liable person under
2 Section 107(a) of CERCLA, 42 U.S.C. Section 9607.

3 14. Cyanides, Acids (Corrosive Materials), Cadmium,
4 Chromium, and Nickel dust or fumes are "hazardous substances" as
5 defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).
6 The abandonment of the hazardous substances (Cyanides, Acids,
7 Cadmium, Chromium, and Nickel dust or fumes) constitutes an
8 actual or threatened "release" as that term is defined in Section
9 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

10 DETERMINATIONS

11 Based on the Findings of Fact and Conclusions of Law,
12 the Director, Hazardous Waste Management Division, EPA Region IX,
13 has made the following determinations:

14 15. The actual or threatened release of hazardous
15 substances from the Facility may present an imminent and
16 substantial endangerment to the public health or welfare or the
17 environment.

18 16. The actions required by this Order, if properly
19 performed, are consistent with the National Contingency Plan
20 ("NCP"), 40 CFR Part 300 and CERCLA; and are appropriate to
21 protect the public health or welfare or the environment.

22 17. The conditions present at the Facility constitute
23 a threat to public health or welfare or the environment based
24 upon consideration of the factors set forth in the NCP at 40 CFR

1 upon consideration of the factors set forth in the NCP at 40 CFR
2 section 300.415(b). These factors include, but are not limited
3 to, the following:

4 **A. actual or potential exposure to hazardous substances**
5 **by nearby populations, animals, or food chain;**

6 The abandonment of the hazardous substances at Mission Plating
7 company has created a condition of a threatened release of
8 hazardous substances, including but not limited to, possible
9 creation and dispersal into the air of Cyanide gases and Nickel
10 dust or fumes that would threaten the health and safety, possibly
11 resulting in serious injury or death, to current occupants of
12 buildings at the facility or workers and others at adjacent or
13 nearby businesses.

14 **B. hazardous substances in drums, barrels, tanks, sacks,**
15 **other bulk storage containers, that may pose a threat**
16 **of release;**

17 The abandonment of the hazardous substances at Mission Plating
18 company may lead to a release into the environment of Cyanides,
19 Acids, Chromium, and Nickel dust or fumes at any time. In
20 addition, these hazardous substances are not secured to prevent
21 unintended human contact. In particular, 16 super-sacks of
22 plating sludge, containing hazardous substances which can be
23 toxic to humans, have been abandoned in an alley that is adjacent
24 to a railroad right-of-way and which is fully accessible to the
25 public.

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18. Immediately upon receipt of this Order, the Respondent shall provide twenty-four (24) hour security at the Site which meets with EPA approval.

20. Within ten (10) calendar days after the effective date of this Order, the Respondent shall submit to U.S. EPA for approval, a Work Plan for the removal activities ordered as set forth in Paragraph 6 below. The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order, and shall include a proposed schedule for implementing and completing the activities. The Work Plan shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify the Work Plan.

13

1 21. The Work Plan shall contain a site safety and
2 health plan, a schedule of the work to be performed, and a post
3 cleanup sampling and analysis plan. The site safety and health
4 plan shall be prepared in accordance with EPA's Standard
5 Operating Safety Guide, dated November, 1984, and updated July,
6 1988, and with the Occupational Safety and Health Administration
7 ("OSHA") regulations applicable to Hazardous Waste Operations and
8 Emergency Response, 29 CFR Part 120. The Work Plan and other
9 submitted documents shall demonstrate that the Respondent can
10 properly conduct the actions required by this Order.

11 22. The Respondent shall retain a contractor qualified
12 to undertake and complete the requirements of this Order, and
13 shall notify U.S. EPA of the name of such contractor within five
14 days of the effective date of this Order.

15 23. Within ninety (90) calendar days after U.S. EPA
16 approval of the Work Plan, the Respondent shall implement the
17 Work Plan as approved or modified by U.S. EPA. Failure of the
18 Respondent to properly implement all aspects of the Work Plan
19 shall be deemed to be a violation of the terms of this Order.
20 The Work Plan shall require the Respondent to perform, at a
21 minimum, the following removal activities:

22 B) Identifying all chemical compounds in all the
23 containers. Sampling and analyzing all unknown chemicals
24 and all chemicals in containers without labels or with
25 unreadable labels.

1 C) Segregating of containers in groups according to
2 compatibility of the chemical contents, as appropriate.

3 D) Properly transporting and disposing of, in accordance
4 with all applicable or appropriate and relevant federal and
5 state laws, all hazardous substances now located at all
6 locations, inside and outside the facility. See also Order
7 Section 27 below.

8 D) Providing copies of all documentation related to off-
9 site disposal of wastes including, but not limited to,
10 manifests, waste profiles and analytical data, disposal
11 costs.

12 E) Notifying the EPA On-Scene Coordinator at least forty-
13 eight (48) hours prior to any on-Site work. Notifying the
14 EPA On-Scene coordinator at least 72 hours prior to disposal
15 of wastes.

16 F) Providing and implementing a post cleanup sampling and
17 analysis plan.

18 24. The Respondent shall provide EPA with written
19 weekly summary reports. These reports should contain a summary
20 of the previous week's activities and planned upcoming events.

21 25. All sampling and analysis shall be consistent with
22 the "Quality Assurance/Quality Control Guidance for Removal
23 Activities:" "Sampling QA/QC Plan and Data Validation
24 Procedures," EPA OSWER Directive 9360.4-01, dated April, 1990.

1 26. Any hazardous substance, pollutant, or contaminant
2 transferred off-Site as a result of this Order must be taken to a
3 facility acceptable under the EPA Off-Site Policy (OSWER
4 Directive 9834.11, November 13, 1987) in accordance with CERCLA
5 Section 121(d)(3), 42 U.S.C. §9621(d)(3).

6 27. On or before the effective date of this Order, the
7 Respondent shall designate a Project Coordinator. To the
8 greatest extent possible, the Project Coordinator shall be
9 present on site or readily available during site work. The U.S.
10 EPA has designated William E. Lewis, as its On-Scene Coordinator.
11 The On-Scene Coordinator and the Project Coordinator shall be
12 responsible for overseeing the implementation of this Order. To
13 the maximum extent possible, communication between the Respondent
14 and the U.S. EPA, and all documents, reports, and approvals, and
15 all other correspondence concerning the activities relevant to
16 this Order, shall be directed through the On-Scene Coordinator
17 and the Project Coordinator.

18 28. The U.S. EPA and the Respondent shall each have
19 the right to change their respective designated On-Scene
20 Coordinator or Project Coordinator. U.S. EPA shall notify the
21 Respondent, and Respondent shall notify U.S. EPA, as early as
22 possible before such a change is made, but in no case less than
23 24 hours before such a change. Notification may initially be
24 verbal, but shall promptly be reduced to writing.

1 29. The U.S. EPA On-Scene Coordinator shall have the
2 authority vested in an On-Scene Coordinator by the NCP, 40 CFR
3 Part 300, as amended, including the authority to halt, conduct,
4 or direct any work required by this Order, or to direct any other
5 response action undertaken by U.S. EPA or the Respondent at the
6 facility.

7 30. No extensions to the above time frames shall be
8 granted without sufficient cause. All extensions must be
9 requested, in writing, and shall not be deemed accepted unless
10 approved, in writing, by U.S. EPA.

11 31. All instructions by the U.S. EPA On-Scene
12 Coordinator or his designated alternate shall be binding upon the
13 Respondent as long as those instructions are not clearly
14 inconsistent with the National Contingency Plan.

15 32. To the extent that the Facility or other areas
16 where work under this Order is to be performed is owned by, or in
17 possession of, someone other than the Respondent, the Respondent
18 shall obtain all necessary access agreements. In the event that
19 after using their best efforts Respondent is unable to obtain
20 such agreements, Respondent shall immediately notify U.S. EPA.

21 33. The Respondent shall provide access to the
22 Facility to U.S. EPA employees, contractors, agents, and
23 consultants at reasonable times, and shall permit such persons to
24 be present and move freely in the area in order to conduct
25 inspections, including taking photographs and videotapes of the

1 Facility, to do cleanup/stabilization work, to take samples to
2 monitor the work under this Order, and to conduct other
3 activities which the U.S. EPA determines to be necessary.

4 34. Nothing contained herein shall be construed to
5 prevent U.S. EPA from seeking legal or equitable relief to
6 enforce the terms of this Order, or from taking other legal or
7 equitable action as it deems appropriate and necessary, or from
8 requiring the Respondent in the future to perform additional
9 activities pursuant to CERCLA, 42 U.S.C. Section 9601, et seq.,
10 or any other applicable law.

11 35. The provisions of this Order and the directions of
12 the On-Scene Coordinator shall be binding on the employees,
13 agents, successors, and assigns of the Respondent.

14 36. Except where this Order specifically provides
15 otherwise, its obligations shall be effective three calendar days
16 following issuance unless a conference is requested as provided
17 herein. If a conference is requested, this Order shall be
18 effective on the third calendar day following the day
19 of the conference unless modified in writing by U.S. EPA.

20 37. On or before three calendar days of the effective
21 date of this Order, the Respondent shall provide notice, verbally
22 or in writing, to U.S. EPA stating their intention to comply with
23 the terms of this Order. Verbal notification must be followed in
24 writing within two calendar days. In the event the Respondent

1 fails to provide such notice, the Respondent shall be deemed not
2 to have complied with the terms of this Order.

3 38. The Respondent shall retain copies of all records
4 and files relating to hazardous substances found on the site for
5 six years following completion of the activities required by this
6 Order and shall make them available to the U.S. EPA prior to the
7 termination of the removal activities under this Order.

8 39. The Respondent shall submit a final report
9 summarizing the actions taken to comply with this Order. The
10 report shall contain, at a minimum: identification of the
11 facility, a description of the locations and types of hazardous
12 substances encountered at the facility upon the initiation of
13 work performed under this Order, a chronology and description of
14 the actions performed (including both the organization and
15 implementation of response activities), a listing of the
16 resources committed to perform the work under this Order
17 (including financial, personnel, mechanical and technological
18 resources), identification of all items that affected the actions
19 performed under the Order and discussion of how all problems were
20 resolved, a listing of quantities and types of materials removed
21 from the facility, a discussion of removal and disposal options
22 considered for any such materials, a listing of the ultimate
23 destination of those materials, and a presentation of the
24 analytical results of all sampling and analyses performed and
25 accompanying appendices containing all relevant paperwork accrued

1 during the action (e.g., manifests, invoices, bills, contracts,
2 permits). The final report shall also include an affidavit from
3 a person who supervised or directed the preparation of that
4 report. The affidavit shall certify under penalty of law that
5 based on personal knowledge and appropriate inquiries of all
6 other persons involved in preparation of the report, the
7 information submitted is true, accurate, and complete to the best
8 of the affiant's knowledge and belief. The report shall be
9 submitted within thirty days of completion of the work required
10 by the U.S. EPA.

11 40. All notices, reports, and requests for extensions
12 submitted under terms of this Order shall be sent by certified
13 mail, return receipt requested, and addressed to the following:

14 one copy William E. Lewis
15 On Scene Coordinator
16 U.S. EPA (H-8-3)
17 75 Hawthorne Street
18 San Francisco, CA 94105
19 (415) 744-2292

20 one copy John Lyons
21 Assistant Regional Counsel
22 U.S. EPA (RC-3-2)
23 Office of Regional Counsel
24 75 Hawthorne Street
25 San Francisco, CA 94105
26 (415) 744-1312

27 41. If any provision of this Order is deemed invalid
28 or unenforceable, the balance of this Order shall remain in full
29 force and effect.

1 ACCESS TO ADMINISTRATIVE RECORD

2 42. The Administrative Record supporting the selection
3 of the response action for this site is available for review on
4 normal business days between the hours of 9:00 a.m. and 5:00 p.m.
5 in the offices of the United States Environmental Protection
6 Agency, Region IX, 75 Hawthorne Street, 9th Floor, San Francisco,
7 California. Please contact John Lyons, Assistant Regional
8 Counsel, at (415) 744-1312 to review the Administrative Record.
9 An index of the Administrative Record is attached hereto.

10 OPPORTUNITY TO CONFER

11 43. With respect to the actions required above, the
12 Respondent may within twenty-four (24) hours after issuance of
13 this Order, request a conference with the U.S. EPA. Any such
14 conference shall be held within three (3) calendar days from the
15 date of request unless extended by mutual agreement of the
16 parties. At any conference held pursuant to the request, the
17 Respondent may appear in person, or be represented by an attorney
18 or other representative. If the Respondent desires such a
19 conference, the Respondent shall contact John Lyons, Assistant
20 Regional Counsel, at (415) 744-1312.

21 44. If such a conference is held, the Respondent may
22 present any evidence, arguments or comment regarding this Order,
23 its applicability, any factual determinations upon which the
24 actions Order is based, the appropriateness of any action which
25 the Respondent is ordered to take, or any other relevant and

1 material issue. Any such evidence, arguments or comments should
2 be reduced to writing and submitted to U.S. EPA within ten (10)
3 calendar days following the conference. If no conference is
4 requested, any such evidence, arguments or comments must be
5 submitted in writing within three (3) calendar days following the
6 issuance of this Order. Any such writing should be directed to
7 John Lyons, Assistant Regional Counsel, at the address cited
8 above.

9 45. The Respondent is hereby placed on notice that
10 U.S. EPA will take any action which may be necessary in the
11 opinion of U.S. EPA for the protection of public health and
12 welfare and the environment, and Respondent may be liable under
13 Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the
14 costs of those government actions.


15 PENALTIES FOR NONCOMPLIANCE

16 46. The Respondent is advised pursuant to Section
17 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful
18 violation or subsequent failure or refusal to comply with this
19 Order, or any portion thereof, may subject the Respondent to a
20 civil penalty of up to \$25,000 per day for each day in which such
21 violation occurs, or such failure to comply continues. Failure
22 to comply with this Order, or any portion thereof, without
23 sufficient cause may also subject the Respondent to liability
24 for punitive damages in an amount three times the amount of

1 any cost incurred by the government as a result of the failure of
2 the Respondent to take proper action, pursuant to Section
3 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

4 THIS ORDER IS ISSUED on this 26th day of August, 1993.

5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

6 By: 
7 Jeff Zelikson, Director
8 Hazardous Waste Management Division
9
10

Contacts:

William E Lewis
On-Scene Coordinator
Emergency Response Section (H-8-3)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2292

William J. Weis III
Investigations and Enforcement
Removal Enforcement Section (H-8-4)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2297

John Lyons
Assistant Regional Counsel (RC-3-2)
Office of Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1312

Diane C. Bodine
Off-Site Policy Coordinator (H-4-3)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2130

MISSION PLATING
Superfund Removal Site
Los Angeles, California
ADMINISTRATIVE RECORD INDEX

DATE yy/mm/dd	AR #	AUTHOR	ADDRESSEE	SUBJECT
93/06/10	AR 1	Robin Clemens Ecology & Environment, Inc	Environmental Protection Agency - Region 9	Incident notification rpt (fax copy)
93/06/17	AR 2	Ecology & Environment, Inc		Sampling & analysis data summary w/TL to William Lewis fr Craig Benson 6/22/93 (fax copy)
93/06/21	AR 3	Craig Benson Ecology & Environment, Inc	Environmental Protection Agency - Region 9	Technical assistance team (TAT) rpt w/attchs A - E (TAT #T190693-005, TDD #T099306-008, PAN #ECA1933-SAA) (redacted - FOIA ex 6)
93/07/22	AR 4	Craig Benson Ecology & Environment, Inc	Environmental Protection Agency - Region 9	Technical assistance team (TAT) rpt w/ltr to Yossef Fard fr William Jones 7/2/93 (TDD #T190893-002, TDD #T099306- 008, PAN #ECA1933-SAA)
93/08/16	AR 5	Donald White Environmental Protection Agency - Region 9	Youseff Fard Creative Finishing Inc	General notice ltr w/proposed action description & w/o certified mail receipt #P243-065-487 (redacted - FOIA ex 6)
93/08/18	AR 6	Youseff Fard Creative Finishing Inc	Donald White Environmental Protection Agency - Region 9	Ltr: Response to ltr 8/16/93 re Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) violation (fax copy)
93/08/24	AR 7	William Lewis Environmental Protection Agency - Region 9	Jeff Zelikson Environmental Protection Agency - Region 9	Action memo: Request for removal action w/maps & w/o enforcement addendum (redacted FOIA ex 7)
93/08/24	AR 8	Environmental Protection Agency - Region 9	File	Memo: Other documents considered or relied upon for administrative record (AR)
93/08/24	AR 9	Environmental Protection Agency - Region 9		List of United States Environmental Protection Agency guidance documents consulted during development & selection of response action for site